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No. 07-1458

Supreme Court, U.S.
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IN THE
SUPREME COURT OF THE UNITED STATES

Joseph Dean, et al.,
Appellants,
v.
Larry Leake, et al.,
Appellees,

And

North Carolina State Conference of Branches of the NAACP,
Appellee-Intervenor

On Appeal from the United States District Court for the Eastern District of North Carolina

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BRIEF OPPOSING APPELLEES' AND APPELLEE-INTERVENOR'S MOTION TO DISMISS OR AFFIRM

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REASONS FOR DENYING THE MOTIONS TO DISMISS OR AFFIRM

I. The Notice of Appeal was timely filed.

Appellants seek to invoke this court's jurisdiction under 28 U.S.C. §1253, which grants a party a right of direct appeal to the U.S. Supreme Court from interlocutory injunctions of a properly convened three judge panel. The time for an appeal under this statute is governed by 28 U.S.C. § 2101(b) which requires that an appeal be taken "within thirty days from the judgment, order or decree, appealed from, if interlocutory". The three-judge panel entered two orders covering the same issue, the first a simple denial of the Appellants motion for preliminary injunction was entered on January 28, 2008, which provided the following statement: "The court will set forth its findings and conclusions in separate memorandum opinion."

Federal Rules of Civil Procedure ("FRCP") Rules 52, 54 and 58 require an interlocutory injunction or a final order so as to initiate the thirty-day time period for filing the notice of appeal to "find facts specially and state its conclusions of law". The district court's Jan. 28, 2008 order did not under the federal rules of civil procedure constitute a final order so as to initiate the thirty-day time period for filing the notice of appeal. " Rule 52(a)(2) states: "*For an Interlocutory Injunction*. In granting or refusing an interlocutory injunction, the court must similarly state the findings and conclusions that support its action."

When a court issues a second judgment, order or decree involving the same issues as an earlier decree, this court has consistently held that Appellant's appeal is timely filed if entered 30 days from the entry of the latter order. This is particularly true in election or redistricting cases. *Burns v. Richardson*, 384 U.S. 73 (1966), *U.S. v. Dixie Highway Exp., Inc.*, 389 U.S. 409 (1967).

II. The Court reviews the Interlocutory Orders *De Novo* for Errors of Law

The operative facts are undisputed. If the CQR enumerated data is applied to the 2003 redistricting map, districts are not equally populated within a 10% range of deviation as required by state law. Since the three judge panel's decision rests solely on an erroneous interpretation of law, this Court, must correct this error because it has the effect of determining the outcome of the cause of action. The "abuse of discretion" standard of review is limited to factual issues appellate courts always review purely legal questions *de novo*. *Natural Res. Defense Council, Inc. v. Morton*, 458 F.2d 827 (C.A.D.C. 1972) citing *Youngstown Sheet & Tub Co. v. Sawyer*, 343 U.S. 579, 584-585, (1952). See also *Clemons v. Board of Education of Hillsboro*, 228 F.2d 853 (6th Cir. 1956) the trial court abuses its discretion when it fails or refuses properly to apply the law to conceded or undisputed facts. Citing *Union Tool Co. v. Wilson*, 259 U.S. 107 (1922).

The court's legal determination that the Plaintiffs are unable to succeed on the merits

because the court is not required to use correct enumerated census data in measuring redistricting challenges based upon one person, one vote statistical analysis is clearly erroneous. If the CQR census data is used, the Plaintiffs are able to establish they will succeed on the merits of their claim because numerous districts are outside the 10% range of deviation. This fact alone establishes irreparable harm because a constitutional right has been violated and shifts the burden of proof to the defendants to show a compelling governmental interest to justify overpopulating election districts. Because the North Carolina Constitution would prevent such overpopulation, this interest could never be shown as a matter of law. *Stephenson vs. Bartlett,* 562 S.E.2d 377 (N.C. 2002).

III. The appeal is not moot.

The Appellants realize that because of the time required for this appeal the elections for the General Assembly are proceeding in 2008. Nonetheless, Appellants if they are successful could be entitled to remedial elections in 2009 or legal elections in 2010.

This Court's decision to grant certiorari in *Bartlett v. Strickland*, 128 S. Ct. 1648 (2008) ("hereinafter *"Strickland"*) has effected both the facts and the timing of this case. If *Strickland* is affirmed then the North Carolina legislature must redistrict, such redrawing will affect more districts across North Carolina than just Pender County. If the lower court's opinion in this case is left uncorrected,

then the 2009 Legislature will revert to using erroneous data.

Complete enumerated census block level data is now available and fully assessable for compliance with one person one vote. The leadership of the North Carolina Legislature, for political reasons described in Appellants' jurisdictional statement at pp.10-20, do not want to use this data in any revisions when they occur.

If this Court decides this appeal in any manner which does not correct this error of law, then the Appellants will continue to suffer the irreparable deprivation of a constitutional right and be unable to obtain relief in time to prevent any new redistricting scheme from being put into operation. The 2009 special elections will be lost and the same timing issues present in this case will insure that no legal election will be held in this decade. Judicial economy demands that the error of law be corrected now rather than forcing the courts the litigants and the voters to spend time, money, and resources while their right to vote is diluted.

This appeal also fits within the established exception to mootness for disputes capable of repetition, yet evading review. See *FEC v. Wisconsin Right to Life*, 727 S.Ct. 2652 (2007) citing *City of Los Angeles v. Lyons*, 461 U.S. 95, 109, (1983); *Southern Pacific Terminal Co. v. ICC*, 219 U.S. 498, 515,(1911). The exception applies where "(1) the challenged action [is] in its duration too short to be fully litigated prior to cessation or expiration, and (2) there [is] a reasonable

expectation that the same complaining party will be subject to the same action again". *Spencer v. Kemna*, 523 U.S. 1, 17, (1998) ... Both circumstances are present here."

IV. Motions to Dismiss Raise Irrelevant Disputes of Fact

Appellee-Intervenors, who do not have actual knowledge of the facts, invite this court into a maze of imagined factual disputes regarding the CQR program. While Appellants disagree with the Appellee-Interventors contentions, the court below did not decide those issues, and this court need not resolve these issues to resolve legal error in this case.

These factual disputes are too numerous for this limited space but out of an abundance of caution some of these issues are addressed herein. The lower court determined that it did not need to decide such issues because its decision is decision based solely on the question of law made any such factual findings unnecessary. Appellants need this court to correct the error of law so that resulting issues which may still exists after a *Strickland* decision may be subsequently decided. For example, if this court corrects the error of law and affirms *Strickland* little or no discovery would be required.

Appellees intimate that "block level data for the corrections unknown by the legislature until June 10, 2004. The block level data changes for many, if not all, of the jurisdictions were available to the North Carolina Legislature prior to the

Legislature's enactment of the Nov. 25, 2003 legislative redistricting scheme. Appendix 1. Feb. 20 2003 letter of Cathy McCully, chief, census redistricting data office. "[t]he second type of letter provides the research results of a claim. These letters will inform you of the Census blocks affected and whether the change was associated with group quarters." Appendix 2 is a chart provided by state Appellees which indicates when they received the letters describing the corrections for each county in the state. Appellants lack adequate knowledge to determine the veracity of the chart provided by state Appellees, from the information in possession of Appellants the Orange County corrections may be the only corrections which did not include the block level data at the time that the corrected certificates were provided to the local jurisdictions. As stated in Appellants' JS block level data was unnecessary in order to use the Orange County data for redistricting purposes. (See also JS pp.6 fn. 3 & 16-19). As noted in Appellants' JS at p 5 the Census Bureau had to have the total population and characteristic data (racial and age) for the block level in their possession at the time they corrected the certificates. Had the state of North Carolina sought this data it could have acquired it.

Whether North Carolina possessed corrected characteristic data (racial, ethnic and age) is immaterial to the question of one person one vote and the corrected enumerated census data for total population which is the component used in North Carolina to measure one person one vote. The characteristic data from the original PL 94-171 data can still be used for all purposes involving

redistricting for which consideration of such characteristic data would be appropriate. It remains just as accurate as it did previously and the failure to acquire corrected enumerated data for the characteristic data does not make the corrected enumerated total population data any less accurate. The people of North Carolina should not have their right to vote diluted because North Carolina made no effort to improve the accuracy of the characteristic data.

The CQR program issues only enumerated census data The CQR program is described in CENSUS 2000 INFORMATIONAL MEMORANDUM NO. 100 and was provided to the North Carolina Legislature. (See Appendix 3). This memorandum is provided to all jurisdictions to inform them of the CQR program and how to document possible errors in processing the data which was collected. This memorandum makes clear that under the CQR program "***the Census Bureau will not collect new information.***" (Emphasis in original.) These same processes occur in the enumerated census and double-check the original geographic assignments, record selection and math.[1] The memorandum also states "the corrected CQR counts that are issued are

[1] It is unfortunate that this process was delayed until 2003 for the 2000 Census when the process has taken place much earlier in all prior censuses. It was delayed two years for the 2000 Census because of the ill-advised attempt by the Census Bureau to statistically adjust the 2000 Census instead of taking an enumerated headcount as required by the United States Constitution. The post census local review program which produced corrections in 1981 and 1991 for the 1980 in 1990 censuses respectively is essentially the exact same program as CQR except it is performed two years later. It is essentially the final part of the decennial enumerated census.

based on the housing unit and population counts as of April 1, 2000. The new official census counts may be used by the governmental entities for all programs requiring official Census 2000 data." The process involved in CQR identifies each specific error and then corrects it. Each correction carries the original closer to perfection.

This is what happened in *Karcher v. Daggett*, 462 U.S. 725 (1983). The first set of corrections made the census enumerated total population data more accurate than the original, the second set of corrections made the total population data even more accurate than the first set of corrections did.

The CQR corrections should have been entered into North Carolina's redistricting database as they were received. The CQR program ended on September 30, 2003. At that time all of the data including block level data should have been available. If not supplied, its delivery could have been expedited had the State requested it. The data produced by the CQR program is corrected enumerated census data and is the most numerically and distributively accurate enumerated census data available and will remain so until it is replaced by the results from the 2010 census.[2]

Appellee-Intervenors incorrectly assert that the Census Bureau has precluded the use of this data by a federal court for the purposes of assessing compliance with the one-person one-vote principle. Under this Court's precedent the Census Bureau

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[2] This is consistent with *Wisconsin vs. City of New York*, 517 U.S. 1, 20 (1996).

could not through a disclaimer prevent a federal court from considering what is obviously relevant evidence, furthermore the language used by the Bureau in the disclaimers clearly is not intended to prohibit the use of the data in redistricting or by the courts. The Census Bureau states that it will not reissue the PL 94-171 redistricting data summary files. The Census Bureau does state that it is recertifying the official 2000 Census total population counts and issued new official certificates showing the new total population counts for each jurisdiction and provided block level errata with most if not all of these certificates. See Appendix 3. The corrected data was also available on the Bureau's web site. Not reissuing the entire redistricting data summary files makes perfect sense. In 2003 over 90 percent of America's jurisdictions redistricting would have been completed. The few jurisdictions which still had to redistrict could simply make use of the errata to correct to their existing PL 94-171 file. This appears consistent with the prior practice under the post census local review.

Contrary to motions, the legal issue presented by this appeal was not presented to this court in *LULAC vs. Perry*, 548 U.S. 399 (2006). Nowhere in the opinions issued by any court in *LULAC* is the question of corrected census data discussed. The briefs filed by Travis County in the *LULAC* case indicate why neither court considered the issue. In Travis County's Supreme Court's brief, the only mention of corrected census data is on page 5 and reads: "[t]he redistricting plan used the uncorrected population count from the 2000 Census to meet the constitutional requirement of equipopulous

districts." This sentence is footnoted and it states: "the Census Bureau had officially corrected the 2000 Census and added 30 people to Texas' total population before plan 1374 C. was enacted." The footnote is followed by a citation to a trial exhibit which was not included in the Joint Appendix. Travis County's jurisdictional statement contained virtually the same language.

Travis County was incorrect, 30 people were not added by the corrected census count but instead were subtracted. Travis County did not assert at either the trial or the appellate level that the District Court should have assessed the redistricting plans produced by the Legislature of the state of Texas for compliance with one person one-vote using the corrected census data produced by the CQR program. Nor did Travis County assert that the Texas legislature was aware of the corrected census data.

Travis County's passing mention of the Census Bureau's correction was in support its argument that since the state of Texas had enjoyed rapid growth in the three years since the 2000 Census, any new redistricting map could not be drawn unless a new census was taken. This contention was rejected by this court. Travis County's logic would have forced the continued use of the prior Democrat gerrymandered redistricting scheme drawn using the exact same census data as the legislatively enacted congressional redistricting plan.

Appellants herein take an even more attenuated position. They suggest that because the state of North Carolina has enjoyed considerable growth since the taking of the 2000 census it is more appropriate to use the erroneous total population data to draw any new redistricting plans as opposed to the corrected data which eliminates the mathematical and clerical errors that existed in that data. Both sets of data are enumerated data both measure the population as of April 1, 2000. The only difference is one is known to be erroneous and the other has those known errors corrected. If the corrected data were available to the legislature and they had knowledge of this, common sense demands that the courts assess one person one vote using this data. But to assert as Appellants and the district court do that the knowledge of the errors is irrelevant, so that if the state decides that it wants to use the data which it knows is erroneous the district court should and would use the erroneous census data to assess one person one vote defies all logic and all of this Court's prior precedent. This court rejected this type of circular argument when Travis County made it in the *LULAC* case and this court should reject it again in this case.

Conclusion

Appellants request this court to summarily reverse the District Court on the question of law, then remand this case to the District Court for further proceedings consistent with this Court's prior rulings and instruct the District Court to use the most accurate enumerated census data of which the North Carolina Legislature was or should have

been aware of at the time that the redistricting scheme was enacted when it assesses compliance with the one person, one vote principle.

Respectfully submitted,

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APPENDIX 1

United States Department of Commerce
Economic and Statistics Administration
U.S. Census Bureau
Washington, D.C. 20333-00011
OFFICE OF THE DIRECTOR

Feb. 20 2003

Mr. Terrence Sullivan
Director of Research
NC General Assembly
Legislative Services Office
LOB, Room 545
300 North Salisbury Street
Raleigh, NC. 27603

Dear Mr. Sullivan:

In an effort to provide complete information on the results of the Count Question Resolution Program for your state, I am providing recent correspondence that has been issued to local governments. This additional correspondence may include two types of letters. The first type is a letter which informs the local government that the Census Bureau's research does not support the claim made, and that no change is forthcoming from the Census Bureau. The second type of letter provides the research results of a claim. The letters will inform you of the census blocks affected and whether the change was associated with group quarters. The detail does not go beyond the affected blocks. For this second type, a letter providing the certified counts for the affected jurisdictions should follow soon.

We will continue to provide you with copies of the" certification letters" and "research complete letters" as they arrive in our office. If you have any question regarding this

mailing do not hesitate to give me a call on 301-763-4039 or via email at catherine.clark.mccully@census.gov.

Sincerely,

Cathy McCully, Chief
Census Redistricting Data Office

Enclosures

cc: Mr. Bill Gilkerson, Legislative Services
Mr. Dan Frey, GIS Programmer/Analyst
Mr. Gerry Cohen, Director of Bill Drafting Legislative Services Office

APPENDIX 2

County Corrections to the 2000 Federal Census

EXHIBI

(Muni. COR Correct.)		Date of	Population			Group Quarters			Total HU			Vacant HU		
Number	County	Correction	Corrected	Original	Change	Corrected	Original	Change	Corrected	Original	Change	Corrected	Original	Change
1	Bertie	10/23/03	19,757	19,773	-16	198	198	0	9,043	9,050	-7	1,306	1,307	-1
2	Brunswick	10/10/03	73,141	73,143	-2	724	724	0	51,430	51,431	-1	20,993	20,993	0
3	Burke	9/12/02	89,145	89,148	-3	3,610	3,610	0	37,427	37,427	0	2,899	2,899	0
4	Caldwell	4/23/03	77,386	77,415	-29	1,149	1,149	0	33,420	33,430	-10	2,662	2,662	0
5	Catawba	9/09/02	141,686	141,685	1	2,142	2,142	0	59,921	59,919	2	4,388	4,386	2
6	Chowan	4/23/03	14,150	14,526	-376	323	699	-376	6,443	6,443	0	863	863	0
7	Craven	1/06/04	91,523	91,436	87	5,137	5,137	0	38,194	38,150	44	3,576	3,568	8
8	Edgecombe	12/04/03	55,606	55,606	0	1,122	1,122	0	24,003	24,002	1	3,611	3,610	1
9	Gaston	10/10/03	190,304	190,365	-61	3,091	3,091	0	78,813	78,842	-29	4,906	4,906	0
10	Hertford	4/23/03	22,977	22,601	376	796	420	376	9,724	9,724	0	771	771	0
11	Johnston	12/03/03	121,900	121,965	-65	1,717	1,717	0	50,163	50,196	-33	3,601	3,601	0
12	Lee	5/17/02	49,208	49,040	168	896	896	0	19,983	19,909	74	1,449	1,443	6
13	Lenoir	5/17/02	59,636	59,648	-12	1,769	1,769	0	27,178	27,184	-6	3,322	3,322	0
14	Macon	10/16/03	29,808	29,811	-3	533	533	0	20,745	20,746	-1	7,918	7,918	0
15	Martin	10/16/03	25,546	25,593	-47	291	291	0	10,910	10,930	-20	910	910	0
16	Mecklenburg	10/10/03	695,370	695,454	-84	15,412	15,412	0	292,755	292,780	-25	19,365	19,364	1
17	Moore	11/07/03	74,762	74,769	-7	1,662	1,662	0	35,145	35,151	-6	4,438	4,438	0
18	Nash	12/04/03	87,385	87,420	-35	2,127	2,127	0	37,049	37,051	-2	3,410	3,407	3
19	New Hanover	5/17/02	160,327	160,307	20	4,266	4,266	0	79,634	79,616	18	11,443	11,433	10
20	Orange	9/30/03	115,531	118,227	-2,696	9,943	9,943	0	47,706	49,289	-1,583	3,424	3,426	-2
21	Pitt	1/06/04	133,719	133,798	-79	6,333	6,333	0	58,365	58,408	-43	5,869	5,869	0
22	Randolph	6/17/03	130,471	130,454	17	1,345	1,345	0	54,428	54,422	6	3,763	3,763	0
23	Robeson	7/17/03	123,245	123,339	-94	3,330	3,330	0	47,749	47,779	-30	4,102		
24	Rutherford	10/10/03	62,901	62,899	2	1,532	1,532	0	29,536	29,535	1	4,344		
25	Union	10/10/03	123,772	123,677	95	1,666	1,666	0	45,723	45,695	28	2,304		
26	Wake	10/23/03	627,866	627,846	20	19,192	19,192	0	258,961	258,953	8	16,914		
27	Watauga	10/16/03	42,693	42,695	-2	5,392	5,392	0	23,156	23,155	1	6,615		

DEFENDANT'S EXHIBIT 5

http://demog.state.nc.us/demog/censcorr.html

28	Wilson	12/03/03	73,811	73,814	-3	1,865	1,865	0	30,728	30,729	-1	2,116	2,116	0
North Carolina Total			8,046,485	8,049,313	-2,828	253,881	253,881	0	3,522,330	3,523,944	-1,614	391,959	391,931	28

From the Census Bureau's Count Question Resolution Program

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Last Update January 15, 2004

APPENDIX 3

April 26, 2001

CENSUS 2000 INFORMATION MEMORANDUM NO. 100

MEMORANDUM FOR Distribution List

From: Carol M. Van Horn
(Signed)

Chief, Decennial
Management Division

Subject: Count Question Resolution
Program

Census 2000 Count Question Resolution Program Overview

This memorandum provides information concerning the Census 2000 Count Question Resolution (CQR) program. This program will be implemented to respond to challenges to the Census 2000 housing unit and group quarter counts received from local and tribal governmental entities in the U.S. and Puerto Rico. The CQR program will become effective on June 30, 2001 and will end on September 30, 2003. Please note this program is currently pending Office of Management and Budget approval.

The CQR start date of June 30, 2001 is coordinated with the release of the Summary File 1(SF1). SF1 data will be released on a state-by-state basis between June and September 2001 and will contain block-level data on the number of housing units and

group quarters population counts. After the release of SF1, some governmental entities may want to challenge these counts. The Census Bureau will respond to all questions and will notify all affected governmental entities of any corrections to their official counts as a result of CQR.

Challenges to the overseas counts of persons in the military and Federal civilian personnel stationed overseas and their dependents living with them will not be accepted. These overseas counts are obtained using administrative records and will be used solely for reapportioning seats in the U.s. House of Representatives and do not provide the sub state geographic information required for the CQR program.

Governmental units challenging the completeness or accuracy of the Census 2000 counts must contact the Census Bureau directly in writing or by electronic mail to initiate the CQR process. All challenges should be sent to the Census Bureau's headquarters. Local and government officials can submit their challenge in writing to:

The U.S. Census Bureau
Count Questions Resolution Program
Decennial Management Division, Room 2002/SFC-2
4700 Silver Hill Road, Stop 7100
Washington, CD 20233-7100

CQR submissions also can be submitted to the following email address:

CountQuestion.Resolution@census.gov

The Census Bureau will respond to all submissions from local and tribal governments, county clerks, city planners, local planning board representatives, and state legislative representatives with redistricting functions within each state and state equivalents who are acting on the behalf of a local or tribal jurisdiction. A local or tribal government must provide documentation of the missing housing unit(s) or group quarter(s) that they believe existed on April 1, 2000. For documentation necessary to initiate the Census 2000 CQR process, refer to the section below, "Documentation Necessary to Initiate and Support the Census 2000 CQR Process."

The Census Bureau will make corrections if the results of our research indicate they are warranted. Our experience has shown that some of the questions received from the local or tribal officials do not reflect errors in census counts, but result from an incorrect or incomplete understanding of the procedures used to take the census. The Census Bureau's determination of whether a correction is necessary will be based on the information provided by local and tribal governmental unit representatives and the results of the Census Bureau's review of the census records. The Census Bureau will investigate challenges to determine whether a housing unit or group quarters that

existed on April 1, 2000, was allocated to an adjacent jurisdiction or erroneously excluded during the processing of the data. **The Census Bureau will not collect new information.**

The CQR program is not intended to create a mechanism or process to challenge the March 6, 2001 decision of the Secretary of Commerce to release unadjusted Census 2000 redistricting data. No changes will be made to the apportionment or redistricting counts as a result of this program. This process will allow the Census Bureau to maintain consistency between data products while maintaining the schedule for timely release of the data. However, the Census Bureau will issue a revised official Census 2000 population and housing unit counts for the affected governmental entity(es), maintain a list of CQR corrected areas on the American Factfinder, and will incorporate any corrections into its Postcensal Estimates program beginning in December 2002.

Types of Corrections Acceptable for the Census 2000 CQR Program

The results of the Census 2000 CQR Program will produce three types of corrections: boundary corrections; geocoding corrections; and coverage corrections:

Boundary corrections – Census 2000 respects the proper alignment of the jurisdictional boundaries of functioning

governmental units as legally in effect on January 1, 2000. The Census Bureau needs to ensure that the geographic assignment information provided does not, in fact, reflect boundary changes made after January 1, 2000. Problems, such as the inaccurate reporting of jurisdictional boundaries and the inaccurate recording of such boundaries by the Census Bureau, will be addressed by the CQR program. The boundaries of other geographic and statistical areas, such as census designated places, census tracts, voting districts, school districts, and the like are not in the scope of the Census 2000 CQR program.

Geocoding corrections – placement of living quarters and associated population within the correct boundaries, census blocks, and the like. Even if the CQR process does not result in a change to the total count for a local or tribal jurisdiction, we will send a letter to the local or tribal government official when the Census Bureau moves group quarters or housing units to different blocks within the jurisdiction.

Coverage corrections – add or remove specific living quarters and persons residing therein that were

identified during the Census 2000 process but erroneously included or excluded due to processing errors. Addresses for living quarters that were not found to be erroneously excluded due to processing will be added to the Census address list for use in future statistical programs of the Census Bureau.

Documentation Necessary to Initiate and Support the Census 2000 CQR Process

The Census Bureau will require documentation before committing resources to investigate concerns raised by local and tribal officials or their representatives about boundary and geographic assignment errors or the accuracy of the census housing unit or group quarters population counts. In general, when submitting a challenge, governmental entities must specify whether the challenge disputes the location of a governmental unit boundary or the number of housing units and/or group quarters population counts in one or more tabulation blocks.

Boundary challenges – For boundary disputes, indicate on a map the location of the governmental unit boundary in dispute; that is, it must be shown where the Census Bureau incorrectly depicts the boundary and show the correct

boundary legally in effect as of January 1, 2000. The Census Bureau will compare the maps and appropriate supporting documentation submitted by the challenging entity with the information used by the Census Bureau to depict the boundaries for Census 2000.

Challenges to boundaries must:

- show the correct location of the boundary and the portion of the boundary that the Census Bureau depicted incorrectly, including the Census 2000 tabulation block numbers associated with the boundary.
- Provide the Census Bureau with a list of addresses in affected tabulation blocks, indicating their location in relationship to the boundary requiring correction.

Housing Unit challenges – the governmental official must provide supporting evidence that specifically reflects the validity of any address list source and reflect the residential addresses that existed as viable living quarters on April 1, 2000.

Challenges to housing unit counts must:

- Specify the Census 2000 tabulation block(s) for which the counts are being challenged. SF1 can be used to obtain tabulation block housing unit counts.
- Provide a complete address list for all units that should be included in each contested block.
- Be certified by local and tribal officials that the addresses on their lists existed and could be lived in or April 1, 2000.

Group Quarters challenges – the government official must provide the name of the group quarters and evidence, e.g., a listing of patients that supports the number of persons residing in the XYZ Nursing Home as of April 1, 2000.

Challenges to group quarters population counts must:

- Specify the tabulation block(s) for which the counts are being challenged. Group quarters may have housing units on the premises for staff and/or guests. SF1 can be used to obtain group

quarters population counts by tabulation block.

- provide a complete address list for all group quarters units that should be included in each contested block.
- be certified by local and tribal officials that the addresses on their lists existed and could be lived in on April 1, 2000.

Types of Acceptable Paper Maps

Paper Census 2000 Public Law 94-171 County Block Maps – These maps accompanied the Redistricting Data Summary Files. Paper Census 2000 Redistricting Block Maps for Washington, D.C. Paper Census 2000 Redistricting Municipio block Maps for Puerto Rico – These maps will accompanied the Puerto Rico Redistricting Data File.

Paper Census 2000 Block Maps – These maps will be provided to local and tribal jurisdictions and will show tabulation block numbers. They are a companion map for the Demographic Profiles that will contain information on population totals, including group quarters and selected population and housing characteristics.

Paper Maps based on the 2000 TIGER/Line File – These maps may be generated by local or tribal governments based on information from the Census Bureau's 2000 TIGER/Line files using commercial geographic information systems.

Other Paper Maps Showing Census Bureau 2000 Tabulation Block Numbers and Boundaries – These maps should show geographic boundaries as of January 1, 2000, that identify census tabulation blocks, census tracts, legal and statistical entities and state boundaries; maps depicting data collection blocks cannot be used. In general, maps should be comparable to Census 2000 maps.

- **Types of Address Lists**

City-Style Address Lists – Must contain city-style addresses organized by Census 2000 tabulation block within census tract. Housing unit identifiers in multi-unit buildings must be included, if applicable.

Non-City-Style Address Lists – Non-city-style addresses must be keyed to the local or tribal government's map-spotted maps, that is, maps that show the exact location of the housing unit. The list should be focused on the specific

area and/or addresses where the problem exists. All housing units in the disputed block must be map spotted and a description of the housing unit and location must be supplied.

Group Quarters Information—Provide the name, address, and telephone number for the administrative office of the facility as of April 1, 2000. In addition, provide the census tract and tabulation block number for the location of the group quarters.

Internal Census Bureau Review

Changes to the boundaries or counts for a jurisdiction also may result from Census Bureau initiated research and review of census files. The Census Bureau reviews Census 2000 data by checking for data reasonableness, internal and intra-product consistency, and consistency with historical and external data sources. This review process begins with an analysis by Census Bureau staff, the Federal-State Cooperative Program for Population Estimates and others. These reviewers identify, address and/or explain issues or problems related to coverage, content, processing, and geo-coding. Unresolved potential problems will be forwarded to the CQR staff for additional analysis.

Changes made as result of this internal review and/or research will be incorporated into the CQR processes and documented in the same way that changes based on

jurisdictional CQR challenges will be documented. In cases where changes to housing unit and/or population counts are made, new official counts will be issued to the affected jurisdictions.

Changes That Result in Corrections

The corrected CQR counts that are issued are based on the housing unit and population counts as of April 1, 2000. The new official census counts may b used by the governmental entities for all programs requiring official Census 2000 data. The Census Bureau will not make corrections to the data concerning the characteristics for the population and housing inventory. The corrected counts will be reflected in the Census Bureau's decennial filed modified for use in making postcensal estimates that will be released on a flow basis beginning in December 23002. An inventory of corrections also will be available on the American FactFinder Internet Data Access System (errata) and updated periodically. The base files for the census will remain unrevised so that none of the standard Census 2000 data products will reflect the corrections.

Challenges that Do Not Result in Corrections

When a local or tribal government provides evidence that the Census Bureau missed housing units or group quarters that existed on April 1, 2000, but the CQR research and Census 2000 records show that all of the Census Bureau's boundary information, geocoding, and processing were correctly implemented, the Census Bureau will respond by sending a letter to the official or his/her representative stating that the Census Bureau will maintain the documentation for

consideration in the context of address list updating activities over the decade.